



Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Rule 8(1)(c) of the First-tier Tribunal for Scotland (Housing and Property Chamber) Rules of Procedure 2017 ("the Rules")

Chamber Ref: FTS/HPC/PY/25/4963

Parties:

Wayne Gregory Bowern, 2 Balvorie Green, Inverness, IV2 6GE ("the Applicant")

Tribunal Members: Ruth O'Hare, Legal Member with delegated powers from the Chamber President

Decision

The Legal Member determined that there is good reason to believe that it would not be appropriate to accept the application received by it on 19 November 2025.

The Legal Member therefore rejects the application under Rule 8(1)(c) of the Rules.

Background

- 1 This is an application for a time to pay direction under rule 41H of the Rules and section 5 of the Debtors (Scotland) Act 1987 ("the 1987 Act"). The application was received by the Tribunal on 19 November 2025.
- 2 In terms of Rule 5(2) of the Rules, a Legal Member with delegated powers from the Chamber President reviewed the application to assess whether it had been lodged in the required manner.
- 3 Following said review, the Tribunal wrote to the Applicant by email on 24 November 2025 in the following terms:-

"I refer to your recent application which has been referred to the Chamber President for consideration.

1. Please submit your application with the creditor's details correctly completed at section 8. The creditor is the person you owe money to.

2. Rule 41H(1) of the Tribunal's Rules states that you must serve a copy of the application on the creditor. Please provide proof of service.

3. Please provide a copy of the charge for payment served on you.

Please reply to this office with the necessary information by 8 December 2025. If we do not hear from you within this time, the President may decide to reject the application."

- 4 The Tribunal received no response from the Applicant. On 16 December 2025 the Tribunal wrote again to the Applicant by email requesting the information by 30 December 2025.
- 5 On 18 December 2025 the Applicant emailed the Tribunal, stating "*I recently sent a form in for time to pay, but it seems I didn't complete the part to send to the other person, can you tell me what form it was and also do I need to fill the whole form out again or just the last bit regarding the recipient.*" The Tribunal responded to the Applicant on 19 December 2025 explaining that the Tribunal could not provide any legal advice or guidance as it was an independent judicial body. The Applicant was directed to details of advice agencies on the Tribunal's website.
- 6 The Tribunal received no further correspondence from the Applicant. On 8 January 2026 the Tribunal wrote again to the Applicant by email in the following terms:-

"It is noted that you have failed to provide the further information requested by emails dated 24 November 2025 and 16 December 2025.

Your email of 18 December is acknowledged but we would refer you to our initial reply of 19 December advising you that the tribunal is an independent judicial body and cannot provide advice to applicants on matters connected to the application. You may wish to obtain independent legal advice on the matters contained in this letter. There is a section of the tribunal website which contains information and links to advice agencies and sources of independent advice.

We now write to advise you that if you fail to provide this information within the next two weeks the tribunal will reject your application. You should be aware that the Tribunal has the power to reject applications on grounds set out in rule 8 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations.

Please reply to this office with the necessary information by 22 January 2026."

- 7 On 8 January 2026 the Tribunal received an email from the Applicant in which he stated "*I have decided to pay the full amount at once, could you please give me the details of which I am to do so*".

- 8 On 12 January 2026 the Tribunal responded to the Applicant by email stating "*Thank you for your email of 8 January 2026, the contents of which are noted. Please confirm that you are withdrawing your application. Please do so by 26 January 2026 or your application will be formally rejected. The Tribunal cannot give you advice or assist you to make payment of the debt and you should contact the Creditor direct.*"
- 9 No response has been received from the Applicant as at the date of this decision.

Reasons for decision

- 10 The Legal Member considered the application in terms of the Rules and determined that the application should be rejected in terms of Rule 8(1)(c) which states that an application must be rejected if the Tribunal has "*good reason to believe that it would not be appropriate to accept the application*".
- 11 The basis of the decision is that the Applicant has failed to lodge a competent application. In terms of Rule 5(3) of the Rules, the Chamber President or another member of the Tribunal under the delegated powers of the Chamber President, may request further documents if it is determined that an application has not been lodged in the prescribed manner. The application in its current form does not meet the mandatory requirements for lodgement that apply to an application under Rule 41H of the Rules and section 5 of the 1987 Act. The Applicant has been asked for further information on several occasions. He has been warned that failure to provide the information may result in the application being rejected. The Applicant has therefore been given the opportunity to address the outstanding matters.
- 12 Furthermore, the Applicant's most recent email suggests that he is no longer pursuing a time to pay order, having stated that he intends on paying the full debt owed. The Legal Member can therefore reasonably infer that he does not intend on proceeding with this application.
- 13 Accordingly, the Legal Member has concluded that the Applicant's failure to provide the information and his assertion that he no longer seeking time to pay, constitutes good reason to reject the application under Rule 8(1)(c).

Right of Appeal

In terms of Section 46 of the Tribunal (Scotland) Act 2014, a party aggrieved by the decision of the Tribunal may appeal to the Upper Tribunal for Scotland on a point of law only. Before an appeal can be made to the Upper Tribunal, the party must first seek permission to appeal from the First-tier Tribunal. That party must seek permission to appeal within 30 days of the date the decision was sent to them.

Ruth O'Hare

28 January 2026

Legal Member/Chair

Date